

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JIM SHOCKLEY**, on January 31, 2001 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Jim Shockley, Chairman (R)
Rep. Paul Clark, Vice Chairman (D)
Rep. Jeff Laszloffy, Vice Chairman (R)
Rep. Darrel Adams (R)
Rep. Gilda Clancy (R)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Christopher Harris (D)
Rep. Linda Holden (R)
Rep. Joan Hurdle (D)
Rep. Jeff Mangan (D)
Rep. Brad Newman (D)
Rep. Mark Noennig (R)
Rep. Ken Peterson (R)
Rep. Diane Rice (R)
Rep. Bill Thomas (R)
Rep. Merlin Wolery (R)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Mary Lou Schmitz, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: **HB 254 - 1-25-01**
HB 341 - 1-25-01
HB 336 - 1-25-01

HB 331 - 1-25-01

Executive Action: HB 336 - DP
HB 151 - Table

HEARING ON HB 254

Sponsor: Rep. Bob Davies, HD 27, Bozeman said currently if there is a judgement against someone and if there is money to be collected, the sheriff can garnish wages . An execution has to be filed and up to 25% can be taken from the person's next paycheck. That's the end of it unless another execution is filed. This process takes some time and very often a pay period or two will be go by. The offenders are somewhat transient so there is not an opportunity to collect what is owed as easily or as likely as in some states. In Washington there is an ongoing execution, as well as with the federal government.

This Bill will simplify the process by allowing an ongoing garnishment of the 120 days. The sheriffs and credit unions support the Bill.

Proponents: Bob Pyfer, Executive Vice President, Montana Credit Unions' League. **EXHIBIT**(juh25a01)

Wayde Cooperider, Deputy Sheriff, Lewis and Clark County; Board Member, Montana Sheriffs and Peace Officer's Association.

Opponents: David Hull, Attorney, Helena

Richard Rowe, State of Montana Registered Process Server and Levying Officer.

{Tape : 1; Side : A; Approx. Time Counter : 0 - 23.2}

Bob Pancratz, Levying Officer, Lewis and Clark County

Questions from Committee Members and Responses: Reps. Hurdle, Clark, Mangan, Noennig, Harris, Peterson to Rep. Davies, Mr. Cooperider, Mr. Pyfer, Mr. Hull.

{Tape : 1; Side : A; Approx. Time Counter : 18.9 - 29.9}

{Tape : 1; Side : B; Approx. Time Counter : 0.1 - 20.3}

Closing by Sponsor: Rep. Davies closed the Hearing on HB 254.

{Tape : 1; Side : B; Approx. Time Counter : 20.3 - 29.9}

{Tape : 2; Side : A; Approx. Time Counter : 0.1 - 0.6}

HEARING ON HB 331

Sponsor: Rep. Bill Eggers, HD 6, Big Horn County said this Bill is at the request of the Attorney General and addresses the theft of identity. There are people who prey on other people and steal their identity, such as social security numbers and various personal identifying information using such information to obtain goods and services or something else of benefit to them such as either a commercial or economic benefit.

HB 331 will allow those who commit identify theft in Montana to be prosecuted. The purpose is to protect everyone. This does not involve interstate, which would be a federal crime but involves intrastate.

Proponents: Pam Bucy, Assistant Attorney General

EXHIBIT (juh25a02)

Russ Whitcomb, Detective, Helena Police Department

Vicki Turner, Helena

Brett Lund, Detective, Billings Police Department

Lisa Leclice, Lewis and Clark County Attorney Office.

Opponents: None

Questions from Committee Members and Responses: Reps. Younkin, Adams, Thomas, Noennig, Mangan, Rice, Clark, Hurdle, Newman, Harris, Curtiss, Laszloffy, Shockley to Ms. Leclice, Ms. Turner, Rep. Eggers, Ms. Bucy, Mr. Lund.

{Tape : 2; Side : A; Approx. Time Counter : 0.6 - 29}

{Tape : 2; Side : B; Approx. Time Counter : 0.1 - 24.1}

Closing by Sponsor: Rep. Eggers closed the Hearing on HB 331.

{Tape : 2; Side : B; Approx. Time Counter : 24.1 - 26.8}

HEARING ON HB 341

Sponsor: Rep. Cindy Younkin, HD 28, Bozeman said this Bill involves handicapped parking places. This Bill will give some

"teeth" to the laws to require municipalities, counties, states and owners of private parking lots available for public parking, some impetus to do the right thing required under the law.

EXHIBIT(juh25a03) Rep. Younkin explained the amendments **EXHIBIT 3.**

{Tape : 2; Side : B; Approx. Time Counter : 26.8 - 29.8}

{Tape : 3; Side : A; Approx. Time Counter : 0.1 - 0.4}

Proponents: Myles Eaton, Business and Consumers' Bureau, Montana

Wally Melcher, Developmental Disability Systems
Advocacy.

Opponents: None

Informational Witness: Bill Bayless, Administrator, General
Services Division, Department of Administration.

Questions from Committee Members and Responses: None

Closing by Sponsor: Rep. Younkin closed the Hearing on HB 341.

{Tape : 3; Side : A; Approx. Time Counter : 0.4 - 10.7}

HEARING ON HB 336

Sponsor: Rep. Gail Gutsche, HD 66, Missoula said this Bill clarifies the cost associated with orders of protection. This Bill doesn't change current law or practice. Victims are currently not charged for protective orders. The reason for this Bill is to continue to qualify for grant funding such as the Violence Against Women Act funding. This Act was passed by Congress in 1994 and currently Montana has received over \$4 million in federal grants through that Act. The Montana Board of Crime Control administers the Violence Against Women grant program, ensures that Montana remains in compliance with the federal requirements which are necessary to qualify for this funding.

In January, 2000, Congress revised the Violence Against Women Act and to remain eligible to continue to receive these funds, Montana must come into compliance with the recent changes prior to 2002. This Bill will clarify the existing law to insure that Montana remains eligible for this grant funding.

Proponents: Pam Bucy, Assistant Attorney General

Jim Oppedahl, Executive Director, Montana Board of
Crime Control.

Rep. Brad Newman, HD 38, Butte

Opponents: None

Questions from Committee Members and Responses: Reps. Peterson,
Shockley to Ms. Bucy.

Closing by Sponsor: Rep. Gutsche closed the Hearing on HB 336.

{Tape : 3; Side : A; Approx. Time Counter : 10.5 - 21}

EXECUTIVE ACTION ON HB 336

Motion/Vote: REP. NEWMAN moved that HB 336 DO PASS. #1 Motion
carried unanimously 19-0.

EXECUTIVE ACTION ON HB 151

Motion: REP. EGGERS moved that HB 151 DO PASS. #2

Discussion: Reps. Mangan, Newman. (Mangan amendment already on
the Bill)

Motion: REP. EGGERS moved that HB 151 DO PASS AS AMENDED. #3

Motion: REP. SHOCKLEY moved that HB 151 BE AMENDED to segregate
#10 from the group. #4 **EXHIBIT**(juh25a04)

Discussion: Rep. Shockley and Mr. MacMaster explained the
amendments. Reps. Eggers, Newman.

{Tape : 3; Side : A; Approx. Time Counter : 21 - 30.2}

{Tape : 3; Side : B; Approx. Time Counter : 0.1 - 18.9}

Vote: Motion #4, Shockley amendment, carried 19-1 with Rep.
Mangan voting no.

Motion: REP. SHOCKLEY moved that HB 151 DO PASS AS AMENDED. #5

Motion: REP. SHOCKLEY moved that HB 151 BE AMENDED. 1-9 and 11-
13. #6

Discussion: Reps. Thomas, Shockley, Eggers, Newman, Gallus, Mangan, Hurdle, Gutsche, Harris, Laszloffy, Peterson.

{Tape : 3; Side : B; Approx. Time Counter : 4.9 - 29.5}

{Tape : 4; Side : A; Approx. Time Counter : 0.1 - 29.8}

{Tape : 4; Side : B; Approx. Time Counter : 0.1 - 3.1}

Vote: Motion #6 failed 8-12 with Reps. Clark, Curtiss, Eggers, Gallus, Gutsche, Harris, Holden, Mangan, Newman, Noennig, Peterson and Yunkin voting no.

Motion: REP. SHOCKLEY moved that HB 151 DO PASS AS AMENDED. #7

Discussion: Reps. Harris, Noennig, Newman, Shockley, Peterson, Hurdle.

Motion/Vote: REP. HARRIS moved that HB 151 BE POSTPONED. #8

Motion failed 2-16 with Reps. Shockley, Laszloffy, Clark, Adams, Clancy, Curtiss, Eggers, Gallus, Gutsche, Mangan, Newman, Noennig, Peterson, Rice, Thomas and Wolery voting no.

Motion/Vote: REP. SHOCKLEY moved that HB 151 DO PASS AS AMENDED. #9. Motion failed on a tie vote 10-10.

Motion/Vote: REP. NOENNIG moved that HB 151 BE TABLED. #10
Motion carried 19-1 with Rep. Newman voting no.

{Tape : 4; Side : B; Approx. Time Counter : 3.1 - 19}

ADJOURNMENT

Adjournment: 11:50 A.M.

REP. JIM SHOCKLEY, Chairman

MARY LOU SCHMITZ, Secretary

JS/MS

EXHIBIT (juh25aad)